

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**TWENTY-THIRD LEGISLATIVE DAY  
TUESDAY, JANUARY 31, 2012**

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Winder, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Rebekah Grad, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 30, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 31, 2012

The JUDICIARY AND RULES Committee reports that [S 1271](#) and [SJR 104](#) have been correctly printed.

DARRINGTON, Chairman

[S 1271](#) and [SJR 104](#) were referred to the Resources and Environment Committee.

January 30, 2012

The FINANCE Committee reports out [S 1267](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1267](#) was filed for second reading.

January 30, 2012

The JUDICIARY AND RULES Committee reports out [S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[S 1213](#), [S 1219](#), [S 1222](#), [S 1232](#), and [S 1233](#) were filed for second reading.

January 31, 2012

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Idaho Fish and Game Commission appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Alex Irby to the Outfitters and Guides Licensing Board, term to expire May 31, 2014.

PEARCE, Chairman

The Idaho Fish and Game Commission appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 31, 2012

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Fred Trevey to the Idaho Fish and Game Commission, term to expire June 30, 2015.

Kenneth T. Anderson to the Idaho Fish and Game Commission, term to expire June 30, 2015.

Jeffery D. Raybould to the Idaho Water Resource Board, term to expire January 1, 2015.

Peter D. Van Der Meulen to the Idaho Water Resource Board, term to expire January 1, 2015.

Robert "Bob" Graham to the Idaho Water Resource Board, term to expire January 1, 2015.

PEARCE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

January 30, 2012

Dear Mr. President:

I transmit herewith [HJM 4](#), which has passed the House.

ALEXANDER, Chief Clerk

[HJM 4](#) was filed for first reading.

January 30, 2012

Dear Mr. President:

I return herewith [S 1224](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1224](#) was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

January 31, 2012

The JUDICIARY AND RULES Committee reports that [S 1224](#) has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1224](#) and ordered it transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1272

#### BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO TELEGRAPHS; AMENDING SECTION 19-616, IDAHO CODE, TO DELETE PROVISIONS RELATING TO TELEGRAPHING, TO PROVIDE THAT A WARRANT OF ARREST MAY BE SENT BY CERTAIN PROCESSES AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 19-617, IDAHO CODE, RELATING TO TELEGRAPHIC COPIES OF WARRANTS; REPEALING SECTIONS 62-414 THROUGH 62-417, IDAHO CODE, RELATING TO TELEGRAPHIC COMMUNICATIONS.

#### S 1273

#### BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1401, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1402, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1403, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1408, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1409, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE A QUALIFICATION FOR AN ADVANCED PRACTICE REGISTERED NURSING LICENSE; AMENDING SECTION 54-1410, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSE RENEWAL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1417, IDAHO CODE, TO REVISE THE MEMBERSHIP OF AND TERM OF OFFICE FOR THE ADVISORY COMMITTEE TO THE BOARD, TO REVISE THE DUTIES OF THE ADVISORY COMMITTEE TO THE BOARD AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

[S 1272](#) and [S 1273](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HJM 4](#), by Judiciary, Rules, and Administration Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

[H 395](#), by Appropriations Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, [H 356](#) retained its place on the Third Reading Calendar for one legislative day.

[H 360](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS—None.

Absent and excused—Cameron, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 360](#) passed, title was approved, and the bill ordered returned to the House.

[H 361](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Corder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS—None.

Absent and excused—Cameron, Winder. Total - 2.

Total - 35.

Whereupon the President declared [H 361](#) passed, title was approved, and the bill ordered returned to the House.

Senator Cameron was recorded present at this order of business.

[H 362](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McGee, McKenzie, Siddoway, Smyser, Tippets, Toryanski, Werk. Total - 24.

NAYS—Bock, Fulcher, Malepeai, Malloy (McKague), Mortimer, Nuxoll, Pearce, Schmidt, Stennett, Vick. Total - 10.

Absent and excused—Winder. Total - 1.

Total - 35.

Whereupon the President declared [H 362](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

#### **Messages from the House**

January 31, 2012

Dear Mr. President:

I return herewith Enrolled [S 1224](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1224](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Wednesday, February 1, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary